

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBIN GILLEN STARR,
Petitioner,
v.
PEOPLE OF THE STATE OF CALIF.,
Respondent.

No. 2:22-cv-0297 TLN DB P

FINDINGS AND RECOMMENDATIONS


Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. In an order filed March 22, 2022, this court ordered petitioner to submit, within thirty days, an affidavit in support of a request to proceed in forma pauperis or the appropriate filing fee. Petitioner was warned that the failure to comply with the March 22 order would result in a recommendation that this action be dismissed.

Thirty days have passed and petitioner has not complied with the March 22 order or otherwise responded to it. Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice for petitioner's failure to prosecute and failure to comply with court orders. See E.D. Cal. R. 110; Fed. R. Civ. P. 41.

These findings and recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within thirty days after being served with these findings and recommendations, petitioner may file written objections

1 with the court. The document should be captioned “Objections to Magistrate Judge's Findings
2 and Recommendations.” Petitioner is advised that failure to file objections within the specified
3 time may result in waiver of the right to appeal the district court’s order. Martinez v. Ylst, 951
4 F.2d 1153 (9th Cir. 1991). In the objections, petitioner may address whether a certificate of
5 appealability should issue in the event an appeal of the judgment in this case is filed. See Rule
6 11, Rules Governing § 2254 Cases (the district court must issue or deny a certificate of
7 appealability when it enters a final order adverse to the applicant).

8 Dated: May 13, 2022

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11 DEBORAH BARNES
12 UNITED STATES MAGISTRATE JUDGE
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